

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

MAY 03 2018  
JULIA C DUDLEY, CLERK  
BY:  
DEPUTY CLERK

GREGORY BINNS,  
Plaintiff,

Civil Action No. 7:17-cv-00535

v.

MEMORANDUM OPINION

COMMONWEALTH OF  
VIRGINIA, et al.,  
Defendants.

By: Hon. Michael F. Urbanski  
Chief United States District Judge

Gregory Binns, proceeding pro se, had filed a civil rights complaint pursuant to 42 U.S.C. § 1983 while incarcerated. By its Order entered on November 30, 2017, the court advised plaintiff that a failure to update a mailing address after a transfer or release from incarceration will result in dismissal of this action.

The court's mail to plaintiff has returned as undeliverable, and plaintiff has not contacted the court since December 2017. Plaintiff has failed to comply with the court's Order requiring an accurate mailing address. Therefore, the court finds that plaintiff failed to prosecute this action pursuant to Federal Rule of Civil Procedure 41(b) by not complying with the court's prior Order. Accordingly, the court dismisses the complaint without prejudice and denies all pending motions as moot. See Ballard v. Carlson, 882 F.2d 93, 96 (4th Cir. 1989) (stating pro se litigants are subject to time requirements and respect for court orders and dismissal is an appropriate sanction for non-compliance); see also Donnelly v. Johns-Manville Sales Corp., 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)).

ENTER: This 3rd day of May, 2018.

*Michael F. Urbanski*  
Chief United States District Judge